

REMARKS/ARGUMENTS

In view of the foregoing amendments and the following remarks, the applicants respectfully submit that the pending claims comply with 35 U.S.C. § 112, are not anticipated under 35 U.S.C. § 102 and are not rendered obvious under 35 U.S.C. § 103. Accordingly, it is believed that this application is in condition for allowance. **If, however, the Examiner believes that there are any unresolved issues, or believes that some or all of the claims are not in condition for allowance, the applicants respectfully request that the Examiner contact the undersigned to schedule a telephone Examiner Interview before any further actions on the merits.**

The applicants will now address each of the issues raised in the outstanding Office Action.

Propriety of the Final Rejection

The Office Action was made final because the Examiner alleged that the applicants' amendments necessitated the new grounds of rejection. The applicants respectfully disagree. Newly cited U.S. Patent Application Publication No. 2005/0248532 ("the Moon publication") was applied to previously pending claims 4 and 8. In the previous amendment, these claims, which originally depended from claim 1, were rewritten in independent form to include the features of claim 1 and to change "imaging device" to "image pickup device" for clarification. These amendments clearly did not necessitate the new grounds of rejection relying on the

Moon publication. Accordingly, the applicants respectfully request that the Examiner withdraw the finality of the Office Action. (See MPEP 706.07(a).)

Rejections under 35 U.S.C. § 112

Claim 20 stands rejected under 35 U.S.C. § 112, second paragraph as reciting terms with insufficient antecedent basis. Claim 12, as amended, includes features of canceled claim 19. These features provide proper antecedent basis for elements recited in claim 20. Accordingly, the applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection.

Rejections under 35 U.S.C. § 102

Claims 12-18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,994,710 ("the Knee patent"). The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Claim 18 has been canceled.

Claim 12 has been amended to include at least some features from claim 19 (now canceled) that the Examiner conceded were not disclosed in the Knee patent. Claims 13-17 depend from claim 12. Thus, the applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection.

Rejections under 35 U.S.C. § 103

Claims 2-5 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Knee patent in view of U.S. Patent Application Publication No. 2005/0248532 ("the Moon publication"). The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Claims 4 and 5 have been canceled.

Claims 2, 3 and 26 have been amended to depend from claim 6 which includes features neither taught, nor suggested, by the Knee patent and the Moon publication. Therefore, the applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection.

Claims 6-11 and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Knee patent in view of the Moon publication and U.S. Patent No. 6,657,184 ("the Anderson patent"). The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Claim 6 has been rewritten in independent form to include the features of canceled claim 4. Claim 8 has been amended to include the features of canceled claim 10. These claims are not rendered obvious by the combined teachings of the Knee patent, the Moon publication and the Anderson patent because (1) these references neither teach, nor suggest, that the light emitted from a first light source and reflected from a

surface onto an image pickup device is used in an act of capturing a plurality of image parts, and the light emitted from a second light source and reflected from the surface onto an image pickup device is used in the act of determining position information, and (2) one skilled in the art would not have been motivated to combine these references as proposed by the Examiner.

The Examiner concedes that the Knee patent fails to teach a second light source. In an attempt to compensate for this admitted deficiency, the Examiner relies on the Anderson patent as teaching a second light source.

First, even assuming, arguendo, that one skilled in the art would have been motivate to combine these references as proposed by the Examiner, the combination would not teach that the light emitted from the first light source and reflected from the surface onto the image pickup device is used in the act of capturing a plurality of image parts, and the light emitted from the second light source and reflected from the surface onto the image pickup device is used in the act of determining position information. Rather, both the first and second light sources described in the Anderson patent pertain to navigation (determining position information) only.

Therefore, even if two light sources were provided, they would both be used for navigation, not one for positioning and the other for image capture.

Thus, independent claims 6 and 8 are not rendered obvious by these references for at least the foregoing reason. Since claims 2, 3, 7 and 26 depend from claim 6, these claims are similarly not rendered obvious by the combined teachings of the Knee, Moon and Anderson references. Since claims 11 and 27 depend from claim 8,

these claims are similarly not rendered obvious by the combined teachings of the Knee, Moon and Anderson references.

Second, one skilled in the art would not have been motivated to combine these references as proposed by the Examiner. The applicants respectfully note that the multiple light sources and sensor areas in the Anderson patent are ***only used for navigation***, and are for the purpose of ***improving navigation when an optical mouse is used on certain surfaces*** (e.g., grainy surfaces which can cause errors in optical mice). ***There is no suggestion to use multiple light sources where one is used for purposes of capturing image parts (which are to be combined) and the other is used for purposes of determining positions of the captured image parts.*** Therefore, one skilled in the art would not have been motivated to combine the teachings of these references in a way that renders the claimed invention obvious.

It is respectfully submitted that independent claims 6 and 8 are not rendered obvious by these references for at least this additional reason. Since claims 2, 3, 7 and 26 depend from claim 6, these claims are similarly not rendered obvious by these references. Since claims 11 and 27 depend from claim 8, these claims are similarly not rendered obvious by these references.

Claims 19-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Knee patent in view of the Anderson patent. The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Claim 12 has been amended to include certain features of claim 19 (now canceled). Claim 25 has been canceled. Claims 20-24 depend from amended claim 12.

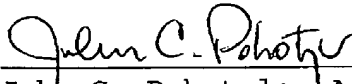
Amended claim 12 is not rendered obvious by the Knee and Anderson patents because the patents neither teach, nor suggest, means for capturing a plurality of image parts that include a first light source, and means for determining position information that include a second light source (See discussion of claims 6 and 8 above.), and because one skilled in the art would not have been motivated to combine the teachings of the Knee and Anderson patents as proposed by the Examiner (for reasons discussed above). Thus, claim 12, as amended, is not rendered obvious by these patents. Since claims 20-24 depend from claim 12, these claims are similarly not rendered obvious by the combined teachings of the Knee and Anderson patents.

Conclusion

In view of the foregoing amendments and remarks, the applicants respectfully submit that the pending claims are in condition for allowance. Accordingly, the applicants request that the Examiner pass this application to issue.

Respectfully submitted,

February 19, 2007


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